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| 09/616,531 | 07/14/2000 | Jeffrey Alnwick | MS-579-A | 6304 |

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EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/616,531

Applicant(s)
Alnwick

Examiner
Cuong H. Nguyen

Art Unit
3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 14, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 15, and 17-21 is/are allowed.
- 6) ☒ Claim(s) 9-11, 13, 14, 16, 22-24, 28, 31-35, 37-41, and 43-48 is/are rejected.
- 7) ☒ Claim(s) 12, 25-27, 29, 30, 36, and 42 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

DETAILED ACTION

1. This Office Action is the answer to the communication received on 8/24/2001 (the Power to Inspect).

Status of the Claims

2. Claims 1-48 are pending in this application.

Priority

3. This application has a priority date of 12/30/1999.

Drawings

4. This application has been filed with 4 pages of 4 formal drawings which currently are acceptable for examining purposes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 47, 41, 23-24, 33-34, 9-10, 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over amazon.com, Inc. , in view of Deaton et al. (US Pat. 6,516,302), and the Official Notice.

A. Re. to claim 47: amazon.com, inc. has been practiced the followings features in its <http://www.amazon.com> since 1996:

A system for enabling a customer to order items from a supplier over the Internet for shipment to client of the customer comprising:

a website operated by an administrator allowing the customer to request availability of a particular component from the supplier and to display the availability status of said particular item to the customer, said availability status including the price of said particular item;
ordering means provided on said website for allowing the customer to said particular item; and

Amazon.com, Inc. doesn't expressly disclose a bonus program means included on said website for providing an incentive to the customer for ordering from the supplier, said bonus program means including **a graphical representation of a sales target** total and a current sales total, said current sales total approaching said sales target total in said graphical representation as additional items are ordered.

However, Deaton et al. suggest about a bonus program as an incentive to customer (see **Deaton et al.**, 1:29 to 2:25). The examiner submits that merely making that bonus indicative "visible" to a customer by showing a graphical representation of a sales target total and current sales total are obvious from Deaton et al.'s suggestion.

The Official Notice is taken that it is obvious that a bonus program suggested by Deaton et al. would be program to "activate" (by a comparison) when a sale total equals or exceeds a sales target total; and a graphical representation indicating of a bonus level could be a bar graph for comparisons since viewers would understand these visible available indicatives.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement in amazon.com's practice with Deaton et al.'s suggestion and above Official Notice because it increases sales by giving out bonuses to customers.

Note: amazon.com, inc. have been practiced the followings in its
<http://www.amazon.com> since 1996:

A method for enabling a customer to order items from a supplier over the Internet for shipment to a client of the customer comprising the steps of: providing a website having at least one screen connected to the Internet; requesting by the customer, the availability, and price of a particular item; displaying the availability and price of said particular item on one of the screens of said website; ordering particular item; reserving, on a real-time basis, said particular item for the customer, thereby preventing a second customer from ordering said particular item when the inventory of said particular item has been completely depleted (e.g., see **Walker et al.**, US Pat. 6,249,772 - 3:56 to 4:6 "Another arena where technology has improved the retail process is that of reservation-type businesses typically practiced by distributed chains or franchises. Such businesses include, for example, hotels and automobile rental companies. A customer wishing, for example, to make a reservation at a Hyatt hotel may contact a central Hyatt authority, or a local Hyatt hotel. A price is determined, and the inventory records of both the Hyatt authority and the local Hyatt hotel are updated to reflect the reservation. Technology including the Internet and other computer network and communications systems functions to increase user access to the goods and services, and to improve inter-company processes and communications. Such business models permit a central authority such as a franchiser to have some affect on customer pricing. However, these business models represent `closed` systems where product and services prices are agreed upon and limited to application within the particular franchise arrangement or company.", and Walker et al., US Pat. 6,249,772 - 7:39-40 "FIG. 7 illustrates a database table for storing reservation data maintained by the credit card processor depicted in FIG. 4;" or 10:35 to 11:6 "In

addition to the notion of selecting goods and products and establishing prices for the same online, system 100 allows for local store inventory checking and inventory reservations so that a customer knows and is assured that he may acquire a particular product for which he received a price online. Accordingly, after a consumer negotiates a price for a selected product, the consumer is assured that he will actually receive the product when he goes to a selected retailer to acquire that product. As such, system 100 can allow a hold or reservation to be made to reserve an inventory item at a local store. Such reservations of goods can occur by having central controller 110 send a message to the selected local store that causes the local store to place a hold on the inventory item. Such a message is preferably sent electronically in the form of a database instruction and, in particular, an automatic communication that causes the local store's database management and computer data processing system to create a reservation hold record in an appropriate database to reference a reserved product. For example, electronic data interchange (EDI) messages may be used to communicate inventory holds and reservations. Additionally, an automated voice messaging system could be configured to be operated by central controller 110 to cause a voice-based message to be sent to an attendant, possibly an automated attendant, for appropriate routing and inventory holding. As such, by causing a reservation to be made via some form of communication between central controller 110 and a local store, a user can be assured that his product will be set aside for his purchase and pickup. The actual process of reserving an inventory item can occur by setting a flag in an appropriate database management system that corresponds to a particular inventory item that is maintained by a local store's data processing system. The setting of flags and the recordation of data items and controls necessary to indicate a state relative to a particular field in a

database management system will be readily understood by those skilled in the art of computer programming and, in particular, database management systems.”); determining a sales target total price; calculating a current sales total of the customer; graphically representing said current sales total with respect to said sales target total; and rewarding the customer (rewarding the customer when said current sales total equals said sales target total (e.g., see Ikeda et al., US Pat. 5,937,391, claim 27 and 1:11- 17, “One of the most popular customer lock-in systems and sales promotion systems in shopping malls is a stamp service system. A stamp service is provided by issuing a coupon corresponding to a sales amount and presenting a customer with an awarding gift, etc. when the number of coupons reaches a predetermined value.”, or see Walker et al., US Pat. 6,249,772 1:57 to 2:7 “Thus, while a manufacturer is constantly striving towards his own goals, for example to sell more products, improve current products, develop new products, or distribute newly developed and manufactured goods, he has been consistently lacking in one of the key tools most effective in obtaining these goals--the customer pricing of his product. Not only does a manufacturer lack control over retail pricing, but his channel often uses their control over pricing to directly conflicting ends. A manufacturer, for example, may be lowering a distribution price to motivate the sale of an expiring product line, while the retailers are maintaining high customer prices to maximize profit. Such an artificially high retail price could subsequently result in a glut of highly discounted, left over old product that is in direct competition with the subsequently introduced new product. In fact, a typical retailer carries brands from competing manufacturers, and thus may work against one manufacturer in favor of a direct competitor.”, or Walker et al., US Pat. 6,249,772 2:17- 24 “Another attempt to exert control over retail pricing is seen in manufacturers' efforts to manipulate customer price through the use of paper discount coupons.

In theory, such coupons permit a manufacturer to affect the final net price to the buyer, thereby affecting the sale of selected products. Again in theory, such coupons can not only target selected products, but geographic regions and even, through appropriate distribution of the coupons, selected customers"). The above examples suggest a comparison when a sales total equals a sales target total.

In other words, amazon.com, Inc. suggests a system for enabling a customer to order items from a supplier over the Internet for shipment to a client of the customer comprising:

- a website operated by an administrator allowing the customer to request availability of a particular item from the supplier and to display the availability status of said particular item to the customer, said availability status including the price of said particular item;
- ordering means provided on said website for allowing the customer to order said particular item; and
- shipping means provided on said website for shipping said particular component ordered using said ordering means from the supplier to the client.

The examiner submits that an Official Notice is taken for this extra limitation in claim 41 for "reserving, on a real-time basis said particular item for the customer, thereby preventing a second customer from ordering said particular item when the inventory of said particular item has been completely depleted"; e.g., flight ticket/hotel reservations have been done "real-time", it is obvious that this old and well-known practice would be used for purchase orderings.

B. Re. to claims 41, 23-24, 33-34, 9-10, 22: The examiner submits that they contain similar and lesser features as claim 47; therefore, the rationales and references set forth to reject claims 47 are applied to reject claims 41, 23-24, 33-34, 9-10, 22 on 35 USC 103(a).

6. Re. to claims 43-44, 13-14, 37-38: They are rejected under 35 U.S.C.

§ 103(a) as being unpatentable over amazon.com, Inc. , in view of Deaton et al. (US Pat. 6,516,302), and further in view of the Official Notice.

A. Re. to claims 43-44: The rationales and reference for rejection of claim 41 are incorporated.

The Official Notice is taken that including a step for searching an item using a manufacturer's reference number is old and well-known (e.g., searching a Hewlett-Packard monitor with a manufacturer's reference number "hp pavilion mx70" or only using "mx70" would give very narrow related hit to that meanings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement in amazon.com's practice with the Official notice because it increases accuracy and saving time for searching on the Internet.

B. Re. to claims 13-14 and 37-38: They are "system" claims, including a searching means for searching item using a partial manufacturer's reference number. The examiner submits that it contains obvious features as claims 43-44; therefore, the rationales and references set forth to reject claims 43-44 are applied to reject claims 13-14 on 35 USC 103(a).

7. Re. to claim 28: It is rejected under 35 U.S.C. § 103(a) as being unpatentable over amazon.com, Inc., in view of Deaton et al. (US Pat. 6,516,302), and further in view of the Official Notice.

The rationales and references for rejection of claim 24 are incorporated.

It is a "system" claim, including a customer log-in means (e.g., a computer keyboard) for allowing a customer to log-in at a particular point in a searching means if a customer lost an initial connection with a website (e.g., <http://www.amazon.com>). The Official Notice is taken here that this feature is old and well-known e.g., to listen to last used radio channel WTOP 107.7 FM, one only needs to turn it on and it was programmed in its chip software to start at the same place it was used before turning off the power; it is similar to TV).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement amazon.com's business practice with the above Official Notice because it increases conveniences, and saving time for selecting a step if power was turning off.

8. Re. to claims 45, 31, 46, 32: The rationales and reference for rejection of claim 41 are incorporated.

The Official Notice are taken here that the followings features are old and well-known in e-commerce business: a negotiating means (e.g., this means is used in online bidding on <http://www.ebay.com> in bidding a price of an auction item, or US Pat. 5,862,223 to Walker et al.), and a means for tracking the status of an order (e.g., <http://www.amazon.com> having a means for tracking shipment for customer orders, where a package is in transit .etc.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement amazon.com's business practice with the above Official Notice because it increases conveniences, and saving time for selecting a step if power was turning off.

9. Claims 48, 11, 23, 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over amazon.com, Inc. , in view of Deaton et al. (US Pat. 6,516,302), and further in view of Microsoft Excel software.

A. Re. to claim 48: The rationales and reference for rejection of claim 41 are incorporated.

Microsoft Excel, an old and well-known presentation software that used comparison data to create bar graphs reflecting input data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement amazon.com's business practice and Deaton et al., with the application of MS Excel software to create bar graphs reflecting sales total and sales target total. The motivation for this is using vivid, understandable graphical representation to viewers is always recognized as a friendly approach.

B. Re. to claims 11, 23, and 35: Although they are "system" or "method" claims, including a similar limitation of graphically representing a current sales total with respect to said sales target total as a bar graph.. The examiner submits that it contains obvious features as in claim 48; therefore, the rationales and references set forth are applied to reject claims 23, 35 on 35 USC 103(a).

10. Claims 40, 16, 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over amazon.com, Inc. , in view of Deaton et al. (US Pat. 6,516,302), and further in view of Beldock (US Pat. 6,490,565).

A. Re. to claims 40: The system in accordance with Claim 33 further including a display of said website provided with an industry certification mark for the supplier.

The rationales and reference for rejection of claim 33 are incorporated.

Amazon.com, Inc. & Deaton et al. do not teach a system that including a display a website provided with an industry certification mark for the supplier.

However, **Beldock** (1:7-12) teaches about an industry certification mark. The examiner submits that this idea can be used to label/marketing a standardized certified website for easy tracking.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine amazon.com's business practice and Deaton et al., with **Beldock**. The motivation for this is increasing a favorable consideration from users because this would make a user trust more from a trust-worthy source by showing an industry certification mark on its website.

B. Re. to claims 16, 39: Although they are "system" claims, including a similar limitation of "including a display of said website provided with an industry certification mark for the supplier". The examiner submits that it contains obvious features as in claim 40; therefore, the rationales and references set forth are applied to reject claims 16, 39 on 35 USC 103(a).

Allowable Subject Matter & Reasons for Allowance

11. Independent claims 1-8, 15, 17-21, are patentable distinct over closest previous patents of Orgram (US Pat. 5,822,737), Call, US Pat. 6,154,738, and Deaton et al. (US Pat. 6,516,3020), or <http://www.amazon.com/> because these references do not anticipate nor fairly and reasonably teach an environment of Internet ordering product and shipment said product to a client of a customer, comprising a blind packaging slip provided with the return address of the customer.

Claim Objections

12. Claims 12, 36, 42, 25-27, 29-30 are objected because they are dependent of rejected base claims 9, 24, 33, 41. However, they would be allowed if written in independent forms having all limitations of those base claims.

Conclusion

13. Claims 9-11, 13-14, 16, 22-24, 28, 31-35, 37-41, 43-48 are not patentable. Claims 1-8, 15, 17-21, are patentable. Claims 12, 36, 42, 25-27, 29-30 are objected.

14. The attached prior art are pertinent to claimed subject matter of this pending application.

- Orgram (US Pat. 5,822,737 – 10/13/1998, class. 705/26), teaches a financial transaction system wherein a concept of “selected return address” in shipping is claimed (see claims 8-9, 18).

- amazon.com, Inc., (amazon.com, inc. have been practiced the followings in its <http://www.amazon.com> since 1996) this website business practice was from concepts of **Jeffrey Bezos** et al. in US Pats. 6,606,608; 6,525,747; 6,029,141; 5,960,411; 5,727,163; 5,715,399.

- Deaton et al. (US Pat. 6,516,302 – 2/04/2003), teach a method and system for accumulating marginal discounts and applying an associated incentive upon achieving one of a plurality of thresholds.

- **Call**, US Pat. **6,154,738**) “Detailed Description Text (145):

The shipping module 504 is also conventional, and handles outbound shipments, accepts new customer shipping and billing address information, handles partial shipments by identifying items reserved for later shipment, and prints packing slips and bills of lading. This concept of “packing slip” is different from “blind-packaging slip” of the pending application wherein in shipments a purchase order, the package is shipped directly to a client of a customer with the customer’s name and return address on the package and not the address of the supplier or the original equipment manufacturer.

- Perkowski, (US Pat.6,064,979 – 5/16/2000), teaches a method of and a system for finding and serving consumer product related information over the internet

using manufacturer identification numbers; this patent discloses about searching an item using a manufacturer's reference number.

- ALNWICK, J. DERWENT-ACC-NO: 2002-130669 (WO 200195205A1

December 11, 2000 ,INT-CL (IPC): G06 F 17/60), Items ordering system through Internet e.g. for computer components, provides website which displays available status of particular item and price of particular item.

- PFEIFFER, F; ROSENBAUM, W , DERWENT-ACC-NO: 1999-612182 (priority 8/13/1998), Processing of items to be returned to sender - video codes only one image of postal item belonging to group of items having specific degree of similarity in address area of image and assigns rest of group to identified sender
WO 200010113 A1, February 24, 2000, G09F 3/02

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703)305-7687 [Official communications]

or 703-746-5572 (RightFax)

Hand delivered responses should be brought to Crystal Park 5, 2451

Crystal Drive, Arlington, VA, 7th floor receptionist.

Receptionist's telephone number: (703)308-1113.

Chong Nguyen
Primary Examiner